## SENATE, No. 1038

# STATE OF NEW JERSEY

### 216th LEGISLATURE

INTRODUCED JANUARY 30, 2014

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Assemblywoman PAMELA R. LAMPITT

**District 6 (Burlington and Camden)** 

Assemblywoman GABRIELA M. MOSQUERA

**District 4 (Camden and Gloucester)** 

Assemblyman GORDON M. JOHNSON

**District 37 (Bergen)** 

Assemblywoman BONNIE WATSON COLEMAN

**District 15 (Hunterdon and Mercer)** 

**Co-Sponsored by:** 

**Assemblymen Wilson and Conaway** 

#### **SYNOPSIS**

"Wage Transparency Act"; requires reporting of public contractor employment information.

#### **CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/17/2014)

AN ACT requiring public contractors to report certain employment information and supplementing P.L.1952, c.9 (C.34:11-56.1 et seq.).

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

1. This act shall be known and may be cited as the "Wage Transparency Act."

- 2. a. Any employer, regardless of the location of the employer, who enters into a contract with a public body to provide qualifying services to the public body shall provide a report to the Commissioner of Labor and Workforce Development, in a form issued by regulation promulgated by the commissioner, of information regarding the gender, race, job title, occupational category, and total compensation of every employee of the employer employed in the State in connection with the contract. The employer shall provide the commissioner, throughout the duration of the contract or contracts, with an update to the report each time there is a significant change in any of the information that the employer is required to report pursuant to this section, or other significant change in employment status, including, but not limited to, medical leave of 12 weeks or more, hiring, termination for any reason, a change in part-time or full-time status, or a change in "employee" or "contractor" status.
- b. Any employer, regardless of the location of the employer, who enters into a contract with a public body to perform any public work for the public body shall provide to the commissioner, through certified payroll records required pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.), information regarding the gender, race, job title, occupational category, and rate of total compensation of every employee of the employer employed in the State in connection with the contract. The employer shall provide the commissioner, throughout the duration of the contract or contracts, with an update to the information whenever payroll records are required to be submitted pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.).
- c. The commissioner shall retain the information provided by the employer during any period of time that one or more contracts are in effect between the employer and any public body and not less than five years after the end of that period. The retained employment information shall be made available by the commissioner to the Division oN Civil Rights in the Department of Law and Public Safety, and, upon request, provided to anyone who is or was an employee of the employer during the period of any of the contracts between the employer and any public body, or any authorized representative of the employee.
  - d. For the purposes of the section:

"Public body" means the State or any agency or instrumentality of the State;

"Public work" means public work as defined in section 2 of P.L.1963, c.150 (C.34:11-56.26) and which is subject to the provisions of P.L.1963, c.150 (C.34:11-56.25 et seq.). Public work shall not include the provision of goods or products;

"Qualifying services" means the provision of any service to the State or to any other public body, except for public work as defined in section 2 of P.L.1963, c.150 (C.34:11-56.26); and

"Service" means any act performed in exchange for payment, including the provision of professional services, but shall not include the sale of goods or products.

3. This act shall take effect immediately.

#### **STATEMENT**

This bill requires any employer that enters into a contract with the State, including any contract that is subject to the requirements of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), to provide certain information concerning every employee employed in connection with the contract.

The bill requires any employer who contracts with the State to provide qualifying services that are not subject to prevailing wage requirements to report to the Commissioner of Labor and Workforce Development, throughout the duration of the contract or contracts, information regarding the gender, race, job title, occupational category, and total compensation of every employee of the employer employed in the State in connection with the contracts. The employer is also required to provide an update each time there is a significant change in the information required to be reported, or other significant change in employment status, including, but not limited to, medical leave of 12 weeks or more, hiring, termination for any reason, a change in part-time or full-time status, or a change in "employee" or "contractor" status.

The bill further provides that any employer who enters into a contract to perform public work subject to prevailing wage requirements shall meet the reporting requirements of the bill by including the gender and race information, in addition to the job title, occupational category, and rate of total compensation information currently required, in the certified payroll records under the prevailing wage act.

The commissioner is required to retain the information and make it available to the Division of Civil Rights in the Department of Law and Public Safety, and, upon request, provide it to anyone employed by the employer during the contract period, or any authorized representative of the employee.